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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,709	12/06/2006	Heiner Kudrus	KUDRUS-2 PCT	3651
25889	7590	06/15/2009		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER SINGH, KAVEL	
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			3651	
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			06/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,709

Applicant(s)

KUDRUS, HEINER

Examiner

KAVEL P. SINGH

Art Unit

3651

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-23 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-23 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/12/09 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Council U.S. Patent 5,775,417 in view of Avakov U.S. Patent No. 5,094,340.

Claims 31, 32, 33, and 34, Council teaches an apparatus and method for a caterpillar conveyor (21) comprising a first chain carrier (Fig. 2), a second chain carrier (Fig. 2), a first tool chain (243,245P) and a second tool chain (243,245P), wherein said first chain carrier (Fig. 2), said second chain carrier (Fig. 2), said first tool chain (243,245P) and said second tool chain (243,245P) are disposed in and form a drawing plane (Fig. 2) in which the workpiece to be drawn is caused to move; a frame (31,37) supporting said

caterpillar conveyor (21), wherein at least one of said first chain carrier (Fig. 2) and said second chain carrier (Fig. 2) is displaceable relative to said frame (31,37); Avakov teaches pressure cylinder (36) rigidly coupled to said frame (38); said frame (38) comprising a first frame half disposed on a first side of the drawing plane (where 30 is) and a second frame half disposed on a second side of the drawing plane (where 30 is) Fig. 1, wherein said first frame half is substantially identical to said second frame half such that said frame (38) comprises a substantially symmetrical structure Fig. 1 with respect to the drawing plane (where 30 is); said first frame half comprising a first main beam and said second frame half comprising a second main beam; wherein each of said first main beam and said second main beam is subjected to a substantially equal tensile load in a respective tensile region when press-on forces are applied to the workpiece (22'), thereby providing for a substantially equal distribution of the press-on forces which are absorbed by the frame (38) via 50 C3 L40-50; a first pressure cylinder 36 and a second pressure cylinder (36) coupled to said frame (38), at least one of said first pressure cylinder 36 and said second pressure cylinder 36 disposed on said cross bar (38 multiple beams), wherein said first pressure cylinder (36) displaces said first chain carrier (32) relative to said frame (beams of 38) and said second pressure cylinder 36 displaces said second chain carrier (46,44) relative to said frame (beams of 38); wherein a first frame half is disposed on a first side of the drawing plane and a second frame half on a second side of the drawing plane (Fig. 2), Council teaches the first frame half and the second frame half are configured to be symmetrical in the region opposing the press-on forces (Fig. 2), at least one of the chain carriers (243,245P)

being displaceable in a frame (31,37) absorbing the press-on forces between the tool chains (343,345P), the frame (31,37) comprising a first frame half disposed on a first side of the drawing plane and a second frame half disposed on a second side of the drawing plane, wherein the first frame half and the second frame half are configured to be symmetrical in the region opposing the press-on forces (Claim 1). It would be obvious to one of ordinary skill to use multiple cylinders as taught by Avakov into the invention of Council to maintain the tensile forces during transport.

Claims 3 and 29, Council teaches the frame (31,37) carries the two chain carriers (243,245P).

Claims 4 and 30, Council teaches the frame (31,37) is standing on a base (23,25) or the floor (Fig. 1).

Claim 5, Council teaches first chain wheels (231,233) for guiding the first tool chain (243,245P) are disposed on the first chain carrier (Fig. 2).

Claim 6, Council teaches second chain wheels (231,233) for guiding a second tool chain (243,245O) are disposed on the second chain carrier (Fig. 2).

Claims 7,9,10, and 25, Council teaches neutralizing press-on forces within the frame (31,37) so that first press-on forces, which are applied to a first press-on plane side and teaches second press-on forces, which are applied to a second press-on plane side, are neutralizing each other within said frame (31,37) (C5 L50-55).

Claims 8 and 16, Council teaches neutralizing press-on forces are configured to be symmetrical with respect to a drawing plane and/or with respect to a press-on plane (C5 L50-55).

Claims 13 and 14, Council teaches the caterpillar conveyor comprises a gantry that carries adjusting means (281) for at least one of the two chain carriers (Fig. 2), said adjusting means (281) being substantially disposed in the drawing plane (C5 L58-62).

Claim 17, Council teaches the frame (31,37) and a gantry for holding the adjusting means (283) for chain carriers are identical (Fig. 2).

Claim 18, Council teaches the two frame halves are joined together by means of connecting means (Fig. 1).

Claim 21, Council teaches the drawing die is disposed on the frame (31,37) with symmetrically formed supporting means (23,25) so that forces acting onto the drawing die are introduced substantially symmetrically into the two frame halves (Fig. 1).

Claim 26, Council teaches at least one chain carrier is aligned with respect to the linear workpiece, the at least one chain carrier being retained in the drawing plane by at least one adjusting means (281), and is moved and aligned in the drawing plane with respect to the linear workpiece to be drawn (C5 L58-62).

Claim 27, Council teaches a frame (31,37) or gantry opposes press-on forces needed for drawing the workpiece symmetrically with respect to the drawing plane (C3 L30-35).

Claim 28, Council teaches the frame or gantry (31,37) receives press-on forces between the tool chains (243,245P).

Claim 11,12,19,20,22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Council U.S. Patent No. 5,775,417 in view of Avakov U.S. Patent No. 5,094,340 in view of Haugwitz U.S. Patent No. 3,144,949.

Claims 11,12, and 19, Council teaches forces applied for drawing the workpiece are distributed between the frame halves (18a,18b), symmetrically with respect to the drawing plane, but Haugwitz teaches a force splitter (37',37'') by means of which press-on forces (C4 L20-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to use force splitter as taught by Haugwitz into the invention of Council in order to ease the tension on the workpiece.

Claims 20,22 and 23, Council teaches a connecting means for the first chain carrier (34) provided between the frame halves (18a,18b) and a connecting means for the second chain carrier (48a) provided between the frame halves (18a,18b), but Haugwitz teaches the supporting means include at least one cross-tie (50) having a component departing from the drawing die and leading toward the frame (12), away from the drawing path. It would have been obvious to one of ordinary skill in the art at the time of the invention to use force splitter as taught by Haugwitz into the invention of Council in order to ease the tension on the workpiece.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Council U.S. Patent No. 5,775,417 in view of Avakov U.S. Patent No. 5,094,340 in view of Perrella U.S. Patent No. 4,360,054.

Claim 15, Council teaches the adjusting means (80a,80b) comprise at least one cylinder (90) for adjusting the chain carriers (34,44), but does not teach as Perrella teaches a hydraulic cylinder (410). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a hydraulic cylinder as taught by Perrella into the

invention of Council in order to ensure the adjustment means will move without jamming.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Kavel P. Singh whose telephone number is (571) 272-2362. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art
Unit 3651

KPS